

April 11, 2019

Northey Tretheway
Restore Our Creek Coalition
465 E. Galena St.
Butte, MT 59701

RE: Asks from Restore Our Creek Coalition (ROCC) Relative to the Butte Priority Soils Operable Unit (BPSOU)

Dear Members of the Restore Our Creek Coalition:

Atlantic Richfield, the Environmental Protection Agency, the State of Montana and Butte-Silver Bow County are grateful for your work with the community to provide input on a remedy and restoration that Butte residents can be proud of. This letter outlines the parties' path forward to address the concerns raised by ROCC in our previous meeting and correspondence, particularly your letter of November 19, 2018.

In response to past concerns identified by ROCC, Atlantic Richfield, with the involvement of EPA, the State of Montana, and Butte-Silver Bow County, proposed modifications to the remedy design and other end land use plans, which include community amenities that would be constructed in tandem with remedy work within the Silver Bow Creek corridor in Butte. These features were described in materials transmitted to you on October 4, 2018 from Josh Bryson, supplemented by Jon Sesso's October 25, 2018 email transmittal. EPA and the State continue to evaluate certain proposals by Atlantic Richfield that relate directly to remedy implementation.

As further described in the October 4th proposal, Atlantic Richfield would redesign the stormwater basins in the Diggings East and Buffalo Gulch area to include meandering, recirculating water systems with flowing water. Atlantic Richfield also proposes to construct a pond in the Northside Tailings area and aesthetic landscaping improvements along the existing upper Silver Bow Creek channel. For the Coalition's convenience, we enclose a copy of the proposal (Attachment 1). We also enclose a figure, developed by Butte Silver Bow County, which shows general end land use plans and an area where a lined watercourse could be located, if the approvals described below are obtained in the future (Attachment 2).

Following upon our receipt of community input from the meetings and design workshops held last summer, the BPSOU parties met several times with ROCC last fall to discuss alternatives in development of the concepts that are part of the October 4th proposal. During those meetings, the Coalition Members voiced their request that nothing in the BPSOU remedy preclude the construction of a new lined water feature within the upper Silver Bow Creek drainage in the future.

In subsequent correspondence, ROCC requested the parties produce a conceptual design and necessary engineering to demonstrate the technical feasibility of the lined water feature project. Atlantic Richfield has developed a figure (Attachment 3) which shows a lined water feature could be located in the Diggings East project area and not interfere with components

of the proposed remedy. Implementing the construction of a lined water feature would require, among other things, resolving infrastructure issues, securing a source of water, and agreement and approval from EPA and AR, to locate a new lined water feature in this area where the current Upper Silver Bow Creek channel is part of the stormwater Superfund remedy.

ROCC also inquired about the feasibility of installing water features to the east of the Diggings East area. The State believes a lined water feature also could potentially be located in a number of locations to the east, depending on Butte Silver Bow's objectives for end land use. End land use must be in accordance with local planning and zoning regulations and the associated public process required. As in the area of Diggings East, implementing this work for construction of a lined water feature would require, among other things, resolving infrastructure issues, securing a source of water, and agreement and approval from EPA and AR, as this area of the current Upper Silver Bow Creek channel also is part of the stormwater Superfund remedy. As noted above, Butte-Silver Bow has developed a figure that details the potential area where a lined-water feature could be located in the future pending future land-use decisions.

To further facilitate ROCC's objectives, the State intends to propose to set aside a certain amount of funding in an interest-bearing account that could be used as a match for construction of a future lined water feature, if land, water, access, and infrastructure issues can be resolved. The source of the funding would be the proposed Butte settlement with Atlantic Richfield and the other parties, and the lined feature would come from settlement funds that are otherwise available for restoration. Under the Butte settlement, if finalized, funds not needed to complete the BPSOU remedy work that DEQ has committed to perform would be available for the State to conduct restoration actions coordinated and/or integrated with the BPSOU remedy.

The funding would be managed by the State and Butte Silver-Bow for the express purposes of supporting the ROCC vision in the future including the construction of a lined creek in the upper Silver Bow Creek area, if the issues noted above can be resolved.

We have collectively considered ROCC's request to conduct additional engineering and design to demonstrate the feasibility of a lined water channel from Texas Avenue to its confluence with Blacktail Creek. While we continue to believe that portions of such a channel are technically feasible, at this juncture we do not believe further schematic design or engineering is timely and practicable to pursue. Additional analysis would be appropriate at a future time when all parties are able to ensure that the project proposal is funded by ROCC or other project proponents, feasible, and would not interfere with performance of the implemented remedy.


Our dialogue with ROCC has informed how final remedy implementation can accommodate the ROCC's vision for a construction of a lined water feature in the upper Silver Bow Creek corridor. Although the final remedy and end land use proposal doesn't entirely meet ROCC's ultimate vision, we believe the proposal, along with the additional efforts identified herein, offers a good-faith demonstration of our intent to facilitate ROCC's vision in the future.

We appreciate your community involvement; there will be many future opportunities to remain involved, including commenting on the upcoming proposed plan for the amendment to the record of decision.

Sincerely,



Patricia Gallery
Vice President
Atlantic Richfield Company



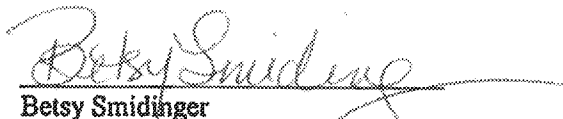
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